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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/819,194

03/28/2001

Jan H. Labuschagne

TIMK 7938US

2895

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7590

07/06/2006

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EXAMINER

A, PHI DIEU TRAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,194

Applicant(s)

LABUSCHAGNE, JAN H.

Examiner

Phi D. A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

In view of the Appeal Brief filed on 3/9/06, PROSECUTION IS HEREBY REOPENED.

The rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the different equipments/means for as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required

in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 6-7, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle (NPL) and Strum Jr. (3139748) and James (2274964).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, means within the enclosure (col 1 lines 49-55) for

lubricating bearings (col 6 line 29), and more means within the enclosure, the means for cleaning (22, water compartment), the enclosure having at least one end through which access to the interior of the enclosure being obtained, a deck (7) at said one end of the enclosure, the enclosure containing stations (figure 5) at which means are located (67, 68, 39, 38, 35 figure 5, col 7 lines 20-34), the enclosure having side walls and the stations being located along the side walls, a center aisle separates the stations along the side walls, ends through which access to the interior of the enclosure is obtained, a roof (52, 14) which extends between the side walls and over the interior of the enclosure, doors attached to the side walls for closing the ends of the enclosure, a washer located containing a solution, equipment within the enclosure, spare parts for replacing components of a vehicle (col 4 lines 30-35).

Bellas et al does not show means for inspecting components of the bearing, means for repairing defects in components of the bearing, spared races and rolling elements located within the enclosure to replace damaged races and rolling elements.

Diegle (pages 3-7) discloses removing, inspecting, cleaning, and replace defective bearing parts to service the driveline bearings.

Sturm Jr. shows means for inspecting components of a bearing, rolling elements, and races.

James shows means for repairing defects in components in bearings.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to show means for inspecting components of the bearing as taught by Sturm Jr., means for repairing defects in components of the bearing as taught by James, spared races and rolling elements to replace bearing parts as taught by Diegle (page 6)

located within the enclosure to replace damaged races and rolling elements because having means for inspecting components of the bearing, means for repairing defects in components of the bearing would allow for the inspection and treating of bearings, races and rolling elements at a location near where the defective bearing, race, and rolling element is, and having spared races, and rolling elements would allow for the inspecting, cleaning, and replacing of any races and rolling elements deem too damage to repair as taught by Bellas et al, Diegle, and Sturm Jr.

2. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle, Strum Jr. (3139748) and James (2274964).

Bellas et al as modified shows all the claimed limitations except for the means for cleaning the bearing being located outside the enclosure.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show the means for cleaning the bearing being located outside the enclosure because attaching a water hose to the water tank to lead the water to outside of the enclosure would allow for the service of the component outside the enclosure and thus gives an employee an outside service area which is less confined and a better working environment.

3. Claims 8, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle, Strum Jr. (3139748), Colson (2034507), and Boyce (5165169).

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, means within the enclosure (col 1 lines 49-55), means (22, water tank) on the deck(7) for removing grease, means for lubricating bearings with grease, the enclosure having at least one end through which access to the interior of the enclosure being

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obtained, a deck (7) at said one end of the enclosure, the enclosure containing stations (figure 5) at which means are located (67, 68, 39, 38, 35 figure 5, col 7 lines 20-34), the enclosure having side walls and the stations being located along the side walls, a center aisle separates the stations along the side walls, ends through which access to the interior of the enclosure is obtained, a roof (52, 14) which extends between the side walls and over the interior of the enclosure, doors attached to the side walls for closing the ends of the enclosure.

Bellas et al does not show means for inspecting the cone assembly, means at another of the stations for inspecting and repairing the raceway of the cup, means at still another station for opening the cage and releasing the rollers, means at yet another station for repairing the raceway of the cone, a spared cage in the enclosure, means at another station for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage.

Diegle (pages 3-7) discloses removing, inspecting, cleaning, and replace defective bearing parts to service the driveline bearings.

Strums Jr. shows means for inspecting the cone assembly.

Colson shows means for inspecting and repairing the raceway of the cup and the raceway of the cone.

Boyce shows means for opening the cage and releasing the rollers, means for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al to means for inspecting the cone assembly as taught by Strums

Jr., means at another of the stations for inspecting and repairing the raceway of the cup and the raceway of the cone as taught by Colson, means at still another station for opening the cage and releasing the rollers, means at another station for closing a new cage about the rollers on the cone to retain the rollers on the cone and unite the cone assembly formed by cone, rollers and new cage as taught by Boyce, a spared cage as taught by Diegle to replace bearing parts in the enclosure because it would allow for the inspection and treating of bearings, races and rolling elements at a location near where the defective bearing, race, and rolling element is, and having spared cage would allow for the replacements of damaged cage when repairing the bearings as taught by Bellas et al, Diegle, and Sturm Jr.

4. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle, Sturm Jr. (3139748), Colson (2034507), and Boyce (5165169), as applied to claim 8 above, and further in view of Schaud et al (2594810).

Bellas et al as modified all the claimed limitations except for means for installing a seal into the cup, spare seals in the enclosure.

Schaud et al shows means for installing a seal (25) into a cup.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al 's modified structure to show means for installing a seal into the cup, spare seals in the enclosure as taught by Schaud et al because it would allow for the installation of new seals on a bearing as taught by Schaud et al, and having spared seal would allow for the replacements of damaged seal when repairing the bearings.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle, Strum Jr. (3139748), Colson (2034507), and Boyce (5165169), as applied to claim 8 above, and further in view of Dalton (3580059).

Bellas et al as modified all the claimed limitations except for means for measuring the end play in the bearing.

Dalton shows means for measuring the end play in the bearing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al 's modified structure to show means for measuring the end play in the bearing because it would allow for the accurate measurement of the end play of the bearing .

6. Claims 20, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Boyce (5165169) and Diegle.

Bellas et al shows a portable facility having an enclosure that is portable in the sense that it can be moved by a transport vehicle, a washer solution (22) for cleaning equipment, an air conditioning unit supported on the enclosure, a dust extraction system, the enclosure is mounted on a railcar (the unit fits the definition of a railcar as railcar is not yet defined in the claim).

Bellas et al does not show equipment for inspecting the races, equipment for repairing the bearing, spare inner and outer races and rolling elements located within the enclosure to replace a damaged race or rolling element.

Diegle (pages 3-7) discloses removing, inspecting, cleaning, and replace defective bearing parts to service the driveline bearings.

Boyce shows equipment for inspecting the races, equipment for repairing the bearing, inner and outer races and rolling elements to replace a damaged race or rolling element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's facility to show equipment for inspecting the races, equipment for repairing the bearing, spare inner and outer races and rolling elements located within the enclosure to replace a damaged race or rolling element because it would allow for the servicing of bearings, and having spare inner and outer races and rolling elements within the enclosure would allow for the easy replacements of the components of the bearing when needed as taught by Diegle and Boyce.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Boyce (5165169) and Diegle as applied to claim 20 above and further in view of Fetty (5588752).

Bellas et al as modified shows all the claimed limitations except for spare seals located within the enclosure for replacing the seals of the bearing.

Fetty shows a bearing having seals located on the bearings.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show spare seals located within the enclosure for replacing the seals of the bearing because having spare seals within the enclosure would allow for the replacement of seals for the type of bearings with seals taught by Fetty.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Boyce (5165169) and Diegle as applied to claim 20 above and further in view of Parker (3402349).

Bellas et al as modified shows all the claimed limitations except for an equipment for inspecting the races including a fixture, which shines a light on the inner race.

Parker shows an equipment(162) for inspecting the races including a fixture, which shines a light on the inner race.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show an equipment for inspecting the races including a fixture which shines a light on the inner race because having lighting means would allow for easy, and correct working of a work piece as taught by Parker.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Boyce (5165169) and Diegle as applied to claim 20 above and further in view of Colson (2034507).

Bellas et al as modified shows all the claimed limitations except for an equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race.

Colson shows an equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show an equipment for inspecting the bearing including a gauge that measures the diameter of a bore that extends through the inner race because it allows for the easy, accurate finishing of the size of a product as by Colson.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Boyce (5165169) and Diegle as applied to claim 20 above and further in view of Beach (1276013) and Fetty.

Bellas et al as modified shows all the claimed limitations except for a bearing having outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner race being on two separate components, each having a raceway that is presented toward a raceway of the outer race and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race, the equipment including a press which will plastically deform the cage around either component of the inner race to free the rolling elements from the race, a press, a spacer located between the components of the inner race to impart the end play to the bearing.

Fetty shows a bearing having outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner race being on two separate components, each having a raceway that is presented toward a raceway of the outer race and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race,

Beach shows a press, which will, presses and assembles the bearing component together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show a bearing having outer race being unitary and having two raceways which are inclined downwardly toward each other, the inner

race being on two separate components, each having a raceway that is presented toward a raceway of the outer race and is inclined in the same direction as the raceway toward which it is presented, the rolling elements being arranged in two rows, a separate row around each raceway of the inner race, the bearing including a cage located around each component of the inner race, the equipment including a press which will plastically deform the cage around either component of the inner race to free the rolling elements from the race, a spacer located between the components of the inner race to impart the end play to the bearing as taught by Fetty, a press as taught by Beach because having the bearing as disclosed by Fetty in the enclosure would allow for the service of the particular type of bearing disclosed by Fetty, and having a press would allow for the easy pressing together of structures.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle, Boyce (5165169), Beach (1276013) and Fetty as applied to claim 24 above and further in view of Colson (2034507).

Bellas et al as modified shows all the claimed limitations except for a lateral measuring machine which rotates the inner race within the outer race, applies axial directed forces to the inner race in both axial directions, and measures the free motion between the inner and outer races resulting from the two directions of force.

Colson shows a lateral measuring machine, which rotates the inner race within the outer race, applies axial directed forces to the inner race in both axial directions, and measures the free motion between the inner and outer races resulting from the two directions of force.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show a lateral measuring machine which

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rotates the inner race within the outer race, applies axial directed forces to the inner race in both axial directions, and measures the free motion between the inner and outer races resulting from the two directions of force because it allows for the measured calibrating of the races and the bearing as taught by Colson.

12. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Boyce (5165169) and Diegle.

Bellas et al as modified shows all the claimed limitations except for a handheld grinder.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show a handheld grinder because a hand held grinder is a well known means for quickly grinding away surfaces, and the inclusion of the hand held grinder in a vehicle servicing facility would have been obvious to one having ordinary skill in the art as it allows the technician to quickly grind away any structure's surface when needed.

13. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellas et al (3308845) in view of Diegle, Boyce (5165169) and further in view of Colson (2034507)

Bellas et al as modified shows all the claimed limitations except for a polishing tool.

Colson shows a polishing tool (29) for polishing the bearing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bellas et al's modified facility to show a polishing tool because it allows for the polishing of the bearing as taught by Colson.

Response to Arguments

14. Applicant's arguments with respect to claims 1-12, 19-29 have been considered but are moot in view of the new ground(s) of rejection.

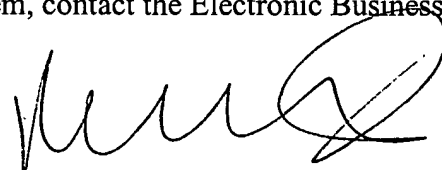
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different bearing service device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Phi Dieu Tran A
6/9/06

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